**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3014**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Gilliard, Henegan, Ott, Collins, Carter, Murphy, Robbins, Brewer, Gatch, Kirby, Anderson, Rivers, Howard, King, McDaniel, Hosey, Clyburn, Cobb-Hunter, Bamberg, Williams, Bernstein, W. Newton, Herbkersman, Hyde, Brittain, Guest, Erickson, Bradley, Hager, Connell, Hewitt, Rutherford, Thigpen, B. Newton, McGinnis, Hardee, Hixon, Taylor, Sandifer, M.M. Smith, Wetmore, Bustos, Landing, Elliott, Pope, Felder, Stavrinakis, Rose, Neese, Davis, Wooten, Bannister, Wheeler, Bailey, Schuessler, Blackwell, W. Jones, Dillard, Bauer, Sessions, T. Moore, J.L. Johnson, Jefferson, B.J. Cox, Garvin, B.L. Cox, Tedder and Alexander

Companion/Similar bill(s): 3, 296, 615, 3005, 3020

Document Path: LC-0003AHB23.docx

Introduced in the House on January 10, 2023

Introduced in the Senate on March 14, 2023

Last Amended on March 8, 2023

Currently residing in the House

Summary: Clementa C. Pinckney Hate Crimes Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/8/2022 House Prefiled

12/8/2022 House Referred to Committee on **Judiciary**

1/10/2023 House Introduced and read first time ([House Journal‑page 41](h:\hj\20230110.docx))

1/10/2023 House Referred to Committee on **Judiciary** ([House Journal‑page 41](h:\hj\20230110.docx))

1/11/2023 House Member(s) request name added as sponsor: Ott,
Collins, Carter, Murphy, Robbins, Brewer, Gatch

1/19/2023 House Member(s) request name added as sponsor: Kirby

1/24/2023 House Member(s) request name added as sponsor: Anderson

2/7/2023 House Member(s) request name added as sponsor: Rivers,
Howard, King, McDaniel, Hosey, Clyburn,
Cobb-Hunter, Bamberg, Williams

2/15/2023 House Member(s) request name added as sponsor:
Bernstein, W. Newton, Herbkersman, Hyde,
Brittain, Guest, Erickson, Bradley, Hager,
Connell, Hewitt, Rutherford, Thigpen, B.
Newton, McGinnis, Hardee, Hixon, Taylor,
Sandifer, M.M. Smith, Wetmore, Bustos,
Landing, Elliott, Pope, Felder, Stavrinakis,
Rose, Neese, Davis, Wooten, Bannister,
Wheeler, Moss, Lawson, Bailey, Schuessler,
Blackwell

2/22/2023 House Member(s) request name added as sponsor: W.
Jones, Dillard

2/23/2023 House Member(s) request name added as sponsor: Bauer,
Sessions, T. Moore, J.L. Johnson, Jefferson

2/28/2023 House Member(s) request name added as sponsor: B.J.
Cox, Garvin

3/1/2023 House Committee report: Favorable **Judiciary** ([House Journal‑page 36](h:\hj\20230301.docx))

3/2/2023 Scrivener's error corrected

3/7/2023 House Member(s) request name added as sponsor: B.L. Cox

3/7/2023 House Requests for debate-Rep(s). Beach, May, Kilmartin, White, McCabe, TA Morgan, Oremus, Cromer, Magnuson, Harris, McCravy, Hiott, Pope, Ligon, Guffey ([House Journal‑page 32](h:\hj\20230307.docx))

3/8/2023 House Member(s) request name removed as sponsor:
Lawson, Moss

3/8/2023 House Member(s) request name added as sponsor: Tedder,
Alexander

3/8/2023 House Requests for debate removed-Rep(s). Cromer, Oremus, Magnuson, Harris, McCravy, Beach, White, May, McCabe, Kilmartin ([House Journal‑page 27](h:\hj\20230308.docx))

3/8/2023 House Requests for debate-Rep(s). Stavrinakis, Ott, Elliott, BJ Cox, Hart, Wetmore, Bauer, Bernstein, Garvin, West, King, JL Johnson, Jefferson, W Jones, Dilliard, Wheeler, Gatch, McDaniel, Hosey, Anderson, Herbkersman, Balletine, W Newton ([House Journal‑page 27](h:\hj\20230308.docx))

3/8/2023 House Amended ([House Journal‑page 74](h:\hj\20230308.docx))

3/8/2023 House Read second time ([House Journal‑page 74](h:\hj\20230308.docx))

3/8/2023 House Roll call Yeas-84 Nays-31 ([House Journal‑page 96](h:\hj\20230308.docx))

3/9/2023 House Read third time and sent to Senate ([House Journal‑page 38](h:\hj\20230309.docx))

3/9/2023 Scrivener's error corrected

3/14/2023 Senate Introduced and read first time ([Senate Journal‑page 10](h:\sj\20230314.docx))

3/14/2023 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 10](h:\sj\20230314.docx))

3/24/2023 Senate Referred to Subcommittee: Sabb (ch), Hutto, Senn,
Garrett, Gustafson

3/29/2023 Senate Committee report: Favorable **Judiciary** ([Senate Journal‑page 13](h:\sj\20230329.docx))

3/31/2023 Scrivener's error corrected

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3014&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[12/08/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3014_20221208.docx)

[03/01/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3014_20230301.docx)

[03/02/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3014_20230302.docx)

[03/08/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3014_20230308.docx)

[03/09/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3014_20230309.docx)

[03/29/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3014_20230329.docx)

[03/31/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3014_20230331.docx)

Committee Report

March 29, 2023

H. 3014

Introduced by Reps. Gilliard, Henegan, Ott, Collins, Carter, Murphy, Robbins, Brewer, Gatch, Kirby, Anderson, Rivers, Howard, King, McDaniel, Hosey, Clyburn, Cobb-Hunter, Bamberg, Williams, Bernstein, W. Newton, Herbkersman, Hyde, Brittain, Guest, Erickson, Bradley, Hager, Connell, Hewitt, Rutherford, Thigpen, B. Newton, McGinnis, Hardee, Hixon, Taylor, Sandifer, M. M. Smith, Wetmore, Bustos, Landing, Elliott, Pope, Stavrinakis, Rose, Neese, Davis, Wooten, Bannister, Wheeler, Bailey, Schuessler, Blackwell, W. Jones, Dillard, Bauer, Sessions, T. Moore, J. L. Johnson, Jefferson, B. J. Cox, Garvin, B. L. Cox, Tedder and Alexander

S. Printed 03/29/23--S. [SEC 3/31/2023 2:45 PM]

Read the first time March 14, 2023

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The committee on SENATE Judiciary

To who was referred a Bill (H. 3014) to amend the South Carolina Code of Laws by enacting the “Clementa C. Pinckney Hate Crimes Act”; by adding Article 22 to Chapter 3, Title 16 so as to entitle the, etc., respectfully

Report:

That they have duly and carefully considered the same, and recommend that the same do pass:

LUKE RANKIN for Committee.

statement of estimated fiscal impact

Explanation of Fiscal Impact

State Expenditure

This bill enacts the “Clementa C. Pinckney Hate Crimes Act,” which provides for an enhanced penalty for certain violent crimes when the offender intentionally selects a victim due to the offender’s belief or perception regarding the victim’s race, color, religion, sex, gender, national origin, sexual orientation, or physical or mental disability. The enhanced penalty, consisting of an additional fine of not more than $10,000 and an additional term of imprisonment of up to five years, may only be applied to the penalty for the underlying offense under certain circumstances.

Judicial. Judicial reports that implementation of this bill is likely to extend the length of certain trials. However, Judicial expects to manage any expenditure impact using existing staff and General appropriations.

Commission on Prosecution Coordination. The commission reports that implementation of the bill may increase the workloads in the Offices of the Circuit Solicitor. However, the agency intends to use existing staff and General Fund appropriations to manage any increase in expenditures.

Commission on Indigent Defense. The commission reports that the expenditure impact will depend upon the number of offenses charged pursuant to the bill. However, the agency intends to use existing staff and General Fund appropriations to manage any increase in expenditures.

Department of Corrections. SCDC reports that implementation of the bill is expected to affect the inmate population by extending the terms of imprisonment for certain inmates. In FY 2021-22, the annual total cost per inmate was $32,247, of which $30,044 was state funded, and the marginal cost per inmate was $4,836, of which $4,829 was state funded. However, as there are no data to determine the number of inmates whose terms of imprisonment would be affected, the expenditure impact of the bill on SCDC in FY 2023-24 is undetermined.

State Revenue

This bill may result in an increase in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, RFA anticipates this bill may result in an undetermined impact to General Fund revenue and Other Funds revenue due to the increase in fines and fees collections in court.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

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A bill

TO AMEND THE SOUTH CAROLINA code of laws BY enacting the “clementa c. pinckney hate crimes act”; by ADDING ARTICLE 22 TO CHAPTER 3, TITLE 16 SO AS TO ENTITLE THE ARTICLE “PENALTY ENHANCEMENTS FOR CERTAIN CRIMES”, TO PROVIDE ADDITIONAL PENALTIES FOR PERSONS WHO COMMIT CERTAIN DELINEATED CRIMES WHEN THE VICTIM WAS INTENTIONALLY SELECTED BASED ON CERTAIN FACTORS, AND TO PROVIDE VICTIMS OF A VIOLATION OF THE ARTICLE MAY BRING A CIVIL ACTION FOR DAMAGES SUSTAINED.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act may be cited as the “Clementa C. Pinckney Hate Crimes Act”.

SECTION 2. Chapter 3, Title 16 of the S.C. Code is amended by adding:

Article 22

Penalty Enhancements for Certain Crimes

Section 16‑3‑2410. (A) When a person commits a violent crime as defined in Section 16‑1‑60 or commits assault by mob in the second degree as defined in Section 16‑3‑210(C) and the trier of fact determines beyond a reasonable doubt that the offense was committed against a victim who was intentionally selected, in whole or in part, because of the person’s belief or perception regarding the victim’s race, color, religion, sex, gender, national origin, sexual orientation, or physical or mental disability, whether or not the perception is correct, the person is subject to additional penalties as provided in subsection (B).

(B) A person who violates the provisions of subsection (A) and commits a violent crime as defined in Section 16‑1‑60 or commits assault by mob in the second degree as defined in Section 16‑3‑210(C), upon conviction, is subject to an additional fine of not more than ten thousand dollars and an additional term of imprisonment of up to five years;

(C) The provisions of this section provide for the enhancement of the penalties applicable to underlying offenses. The court shall permit the prosecuting agency and the defense to present evidence relevant to the determination of whether the defendant intentionally selected the person against whom the offense is committed, in whole or in part, because of the person’s belief or perception regarding one or more of the factors provided in subsection (A), whether or not the perception is correct. The court with competent jurisdiction over the underlying offense shall instruct the trier of fact to find a special verdict as to a violation of the provisions of this section.

(D) The additional penalties described in subsection (B) may not be imposed unless the person was indicted, either separately or as a separate count in the indictment for the underlying offense, for the offense pursuant to this section committed against the victim who was intentionally selected, in whole or in part, because of the person’s belief or perception regarding one or more of the factors provided in subsection (A), whether or not the perception is correct, and the person was found guilty of the underlying offense.

SECTION 3. This act takes effect upon approval by the Governor.

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